

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES R. DAVIS, II,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:06CV0065 RWS
)	
CONNIE BARTON, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before me on Davis's motion to appoint counsel [#4]. The motion will be denied.

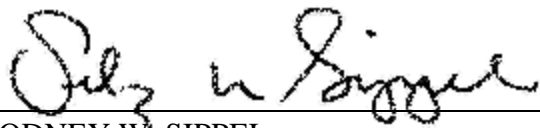
There is no constitutional or statutory right to appointed counsel in a civil case. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors including (1) whether the plaintiff has presented non-frivolous allegations supporting his prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Battle v. Armontrout, 902 F.2d 701, 702 (8th Cir. 1990); Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

After considering these factors, I believe that the facts and legal issues involved are not so complicated that the appointment of counsel is warranted at this time.

Accordingly,

IT IS HEREBY ORDERED that Davis's motion for appointment of counsel [#4] **IS DENIED** without prejudice.

Dated this 7th day of February, 2006.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE